

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**(703) 746-4000**

or **Fax**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. For further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee not made.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

022913 7590 05/13/2005

**WORKMAN NYDEGGER**  
**(F/K/A WORKMAN NYDEGGER & SEELEY)**  
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**1000 EAGLE GATE TOWER**  
**SALT LAKE CITY, UT 84111**

08/15/2005 WABDEL3 00000140 09825817

01 FC:1501 1400.00 OP  
02 FC:1504 300.00 OP  
03 FC:1509 45.00 OP

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPL. NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,817	04/04/2001	Shinichi Mori	3815/120	2927

TITLE OF INVENTION: APPARATUS AND METHOD FOR ACQUISITION OF COMMUNICATION QUALITY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	08/15/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, DUC M	2685	455-226200

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Workman Nydegger  
2 \_\_\_\_\_  
3 \_\_\_\_\_

### 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

NTT DoCoMo, Inc.

11-1, Nagatacho 2-Chome, Chiyoda, Tokyo 100-6150, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

#### 4a. The following fee(s) are enclosed:

☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 15

#### 4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.  
☒ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 23-3178 (enclose an extra copy of this form).

#### 5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date August 10, 2005

Typed or printed name ADRIAN J. LEE

Registration No. 42,785

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Express Mailing Label No.: EV 627625341 US

PATENT APPLICATION

Docket No: 15689.69



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Continuation-in-part re application of  
Shinichi Mori, et al.  
Serial No.: 09/825,817  
Confirmation No.: 2927  
Filed: April 4, 2001  
For: APPARATUS AND METHOD FOR  
ACQUISITION OF COMMUNICATION  
QUALITY  
Examiner: Duc M. Nguyen  
Customer No.: 022913  
Art Unit 2685

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that following documents are being deposited with the United States Postal Service as Express Mail (EV627625341US), postage prepaid, in an envelope addressed to: Box: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10<sup>th</sup> day of August 2005.

- Transmittal of Issue Fee (3 pages)
- PTO Form PTOL-85B transmitting payment of Issue Fee and Publication Fee
- PTO 2038 Credit Card form for \$1,745.00
- Postcard

Respectfully submitted,

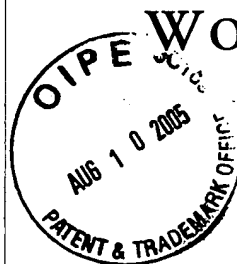
ADRIAN J. LEE  
Attorney for Applicant  
Registration No. 42,785  
Customer No. 022913

RICK D. NYDEGGER  
BRENT P. LORIMER  
THOMAS R. VUKSINICK  
LARRY R. LAYCOCK  
JONATHAN W. RICHARDS  
DAVID R. WRIGHT  
JOHN C. STRINGHAM  
JOHN M. GUYNN  
CHARLES L. ROBERTS  
DANA L. TANGREN  
ERIC L. MASCHOFF  
CHARLES J. VEVERKA  
ROBYN L. PHILLIPS  
RICHARD C. GILMORE \*  
STERLING A. BRENNAN  
R. BURNS ISRAELSEN  
DAVID R. TODD  
DAVID B. DELLENBACH  
L. DAVID GRIFFIN  
ADRIAN J. LEE  
FRASER D. ROY  
CARL T. REED



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L. REX SEARS, PH.D.  
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KEELY SCHNEITER  
MICHAEL M. BALLARD  
DAVID A. JONES  
SHANE K. JENSEN  
JONATHAN M. BENNS, PH.D.

VERNON R. RICE §  
OF COUNSEL



# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: HTTP://WWW.WNLAW.COM

Express Mailing Label No.: EV 627625341 US

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Shinichi Mori, et al.

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APPARATUS AND METHOD FOR  
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QUALITY

Examiner:

Duc M. Nguyen

Customer No.:

022913

Art Unit  
2685

## TRANSMITTAL OF ISSUE FEE PAYMENT

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Issue Fee Due dated May 13, 2005, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

- ☒ Issue Fee Transmittal (PTOL-85B) submitted pursuant to 37 C.F.R. § 1.311.
- ☐ A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.
- ☒ A Certificate of Deposit Under 37 C.F.R. § 1.8 is enclosed.
- ☐ Pursuant to the request for submission of formal drawings, enclosed are the following:
  - ☐ A Letter to the Official Draftsperson;
  - ☐ A set of \_\_\_\_\_ ( ) sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.
  - ☐ A duplicate set of the \_\_\_\_\_ ( ) sheets of formal drawings with the changes therein highlighted in red.
- ☒ PTO 2038 Credit Card form for \$1,745.00 is enclosed to cover:
  - ☒ The \$1,400.00 government issue fee pursuant to 37 C.F.R. § 1.18.
  - ☒ The \$300.00 government publication fee pursuant to 37 C.F.R. § 1.18.(d)
  - ☒ The \$45.00 fee for fifteen (15) copies of the patent when issued.
- ☒ The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

Comments on Statement of Reasons for Allowance

On page 2 of the Examiner's Notice of Allowability, the Examiner has indicated that no prior art was found that "As to claims 1,7, the cited prior art of record fail to disclose or make it obvious the claimed invention for the reasons as stated in Applicant's response filed on 2/28/2005, pages 6-7."

Applicants respectfully submit that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicants further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicants' view, not be read as constituting or meaning that the invention can or should be reduced to a single "feature" of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 10<sup>th</sup> day of August 2005.

Respectfully submitted,



ADRIAN J. LEE  
Attorney for Applicant  
Registration No. 42,785  
Customer No. 022913